PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Art Unit: 2131

Geoffrey B. Rhoads   Conf. No.: 1809

Application No.: 10/658,808

Filed: September 8, 2003   **Via Electronic Filing**

For: Method for Increasing the Functionality of
        a Media Player/Recorder Device or an
        Application Program

Examiner: S. Chen

Date: July 21, 2008

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

     Appellants respectfully request the Board of Patent Appeals and Interferences (hereafter the "Board") to *reverse* the outstanding final rejection of the pending claims.

     This Appeal Brief is in furtherance of a Notice of Appeal filed April 21, 2008. Please charge the fee required under 37 CFR 1.17(f) or any other fee needed to consider this Appeal Brief to our deposit account no. 50-1071.

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REAL PARTY IN INTEREST

The real party in interest is Digimarc Corporation, by an assignment from the inventor recorded at Reel 014940, frames 0182-0183, on February 2, 2004.

RELATED APPEALS AND INTERFERENCES

An Appeal Brief was filed on May 28, 2008 in assignee's U.S. Patent Application No. 11/382,855. The '855 application and the present application both claim priority to provisional application no. 60/134,782. Claims appealed in the '855 application are reproduced in the Related Proceedings Appendix (starting on page 41 of this Appeal Brief).

STATUS OF CLAIMS

Claims 1-52 are pending in the present application. *See the final Office Action, Office Action Summary, item 4.* Each of the pending claims stands finally rejected.

STATUS OF AMENDMENTS

All earlier-filed amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 25 recites a method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising: providing the digital data having the title signal [see, e.g., page 4, lines 3-4; see also page 4, lines 9-29]; detecting, at the personal computer, the title signal in the data [see, e.g., page 4, lines 3-4]; comparing the title signal to the player signal [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9]; and performing an action based upon the comparison [see, e.g., page 9, line 16 – page 11, line 6]. *Please also see* the support chart showing priority to parent application no. 08/649,419, filed May 16, 1996 (now U.S. Patent No. 5,862,260) starting on page 12 of this Appeal Brief.

Claim 30 recites a method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising [See, e.g., U.S. Patent No. 5,862,260 at Col. 27, lines 26-52; Col. 94, lines 28-38; and Col. 41, lines 54 - Col. 42, line 27]: providing the computer readable set of instructions having the title signal [See, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54-Col. 42, line 27; Col. 27, lines 25-52; Col. 92, lines 4 – 20, Col. 94, lines 28-47]; detecting the title signal in the computer readable set of instructions [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54 - Col. 42, line 27, and Col. 94, lines 28-38]; comparing the title signal to the player signal [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54-Col. 42, line 27, Col. 27, lines 25-52; and Col. 94, lines 28-38]; and performing an action based upon the comparison [see, e.g., U.S. Patent No. 5,862,260 at Col. 94, lines 28-38, Col. 27, lines 26-52, and Col. 41, lines 54-Col. 42, line 27]. The 5,862,260 patent is incorporated by reference into the present application. See the subject specification at page 1, line 2 and page 7, lines 20-22.

Claim 43 recites a method for utilizing a title signal contained in digital data to be input into a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising [See, e.g., U.S. Patent No. 5,862,260 at Col. 27, lines 26-52; Col. 94, lines 28-38; and Col. 41, lines 54 - Col. 42, line 27]: providing the digital data having the title signal [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54-Col. 42, line 27, Col. 27, lines 25-52, and Col. 92, lines 4 – 20, Col. 94, lines 28-47]; inputting the digital data to the computer readable set of instructions [See, e.g., U.S. Patent No. 5,862,260 at Col. 92, lines 4 – 20, Col. 94, lines 28-47, col. 94, lines 33-38; and Col. 41, lines 54-Col. 42, line 27]; detecting the title signal in the digital data [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54-Col. 42, line 27, and Col. 94, lines 28-38]; comparing the title signal to the player signal [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54-Col. 42, line 27; Col. 27, lines 25-52 and Col. 94, lines 28-38]; and performing an action based upon the comparison [see, e.g., U.S. Patent No. 5,862,260 at Col. 41, lines 54-Col. 42, line 27; Col. 27, lines 25-52 and Col. 94, lines 28-38]. The 5,862,260 patent is incorporated by reference into the present application. See the subject specification at page 1, line 2 and page 7, lines 20-22.

Claim 1 recites a method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in a player device, the method comprising [see, e.g., page 4, lines 3-4; see also page 4, lines 9-29]: downloading the digital data having the title signal via an Internet connection, wherein the title signal is carried with digital watermarking encoded in the digital data [see, e.g., page 7, lines 1 and 8-10 and page 4, lines 3-4]; transferring the downloaded digital data to the player device [see, e.g., page 5, lines 12-17; page 9, line 16 – page 10, line 7; see also page 63, lines 5-9]; detecting, at the player device, the title signal in the data; comparing the title signal to the player signal [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9]; and performing an action based upon the comparison [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9]. *Please also see* the support chart showing priority to parent application no. 08/649,419, filed May 16, 1996 (now U.S. Patent No. 5,862,260) starting on page 22 of this Appeal Brief.

Claim 8 recites the method of claim 7, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 28 recites the method of claim 27, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 33 recites the method of claim 32, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 46 recites the method of claim 45, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Claim 41 recites the method of claim 25, further comprising expiring the player signal after a predetermined time such that it is no longer useful for comparison to the title signal [see, e.g., page 19, lines 24-26; see, page 8, lines 20-26; page 9, line 29 – page 10, line 7; page 78, lines 9-16].

Claim 42 recites the method of claim 41, further comprising updating the player signal for comparison to the title signal [see, page 8, lines 20-26; page 9, line 29 – page 10, line 7].

Claim 5 recites the method of claim 4, wherein the digital watermarking contains a copy protection subsignal of a predetermined number of bits, the title signal being a portion of the predetermined number of bits unused by the copy protection subsignal [page 4, lines 15-22; page 15, line 26 – page 16, line 20; page 18, lines 16-28; page 19, line 4 - page 20, line 5; page 28, line 25 – page 30, line 2].

Claim 13 recites the method of claim 1, further comprising encoding the title signal in a time varying manner [see, e.g., page 17, lines 8-15; page 30, lines 19-24; page 38, line 29 – page 39, line 5].

Claim 19 recites the method of claim 1, wherein at least one title signal which when compared to the player signal evokes the performance of the action, is chosen to match at least one targeted demographic group [see, e.g., page 66, lines 3-9; page 99, line 14 – page 100, line 5].

Claim 49 recites a method for utilizing a title signal contained in digital data and a player signal stored in a player device, the method comprising: encrypting the title signal using a private key; detecting, at the player device, the title signal in the data; decrypting the encrypted title signal using the player signal as the private key; determining if the result of the act of decryption results in the title signal; and performing an action based upon the determination [see, e.g., page 9, line 16 – page 10, line 7; see also page 63, lines 5-9; see also page 14, lines 7-11; see also page 50, line 28 – page 51, lines 7].

Claim 52 recites the method of claim 51, wherein the consequence is informing the user of the winning of a prize [see, e.g., page 54, lines 24-27; page 74, lines 7-11; page 88, line 5 – 30].

Of course, additional specification support can be found throughout the application as filed. Thus, citations to specific page and line numbers are by way of example and should not limit specification support or claim scope.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-22, 24-48 and 50-52 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,640,3063 (hereafter referred to as "the Tone patent" or simply as "Tone") in view of U.S. Patent No. 6,233,684 (hereafter referred to as "the Stefik patent" or simply as "Stefik").

2. Claims 23 and 49-52 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Tone.

ARGUMENT

Rejections under U.S.C. 103(a) over the Tone patent in view of Stefik

Claim 25

Independent claim 25 recites:

25. *A method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising:*

providing the digital data having the title signal;

detecting, at the personal computer, the title signal in the data;

comparing the title signal to the player signal; and

performing an action based upon the comparison.

> *Tone is not a proper reference – and should be removed as such – based on the priority of claim 25*

The present application claims priority to U.S. Patent Application No. 08/649,419, filed May 16, 1996 (now U.S. Patent No. 5,862,260). *See, e.g.,* the March 23, 2004 Updated Filing Receipt; *see also* Applicant's Application Data Sheet, page 2, Application Nine.

May 16, 1996 – the filing date of priority application no. 08/649,419 – is well before Tone's filing date (August 12, 1998) and publication date (February 25, 1999).

In a mere two sentences, the final Office Action disputes whether the subject application is entitled to priority of the '419 application. *See* the final Office Action, page 8, last two sentences of paragraph 32: ("However, [the] specification of the parent case [08/649,419] does not disclose [a] **title signal** in the specification. Therefore, recitation of [a] universal code and method disclosed in the prior application is insufficient to remove the prior art from record."). *(emphasis added)*.

Appellant disagrees and respectfully submits that priority is appropriate for claim 25.

> *Priority back to the '419 application is warranted based on the final Office Action's interpretation of "Title Signal" to mean "owner data".*

Claim 25 should be entitled to the priority of the '419 application based on the interpretation of a "title signal" in the final Office Action. For example, the final Office Action interprets a "title signal" to mean "owner ID data" that is added to music data. *See* the final Office Action, page 7, paragraph 27, and page 2, paragraph 4 (citing Tone at Col. 7, lines 7-14). The priority '419 application provides support for this feature.

Indeed, the '419 priority application discloses ***owner ID data*** added to music data. For example, the '419 application teaches that its universal codes, N-bit Identification words, and other codes are added to media such as music and video. These added codes can identify an owner like the "owner ID data" in the Tone patent. Some examples from the '419 application (now the 5,862,260 patent) are provided below.

- Regarding the so-called "universal codes," see, e.g., the 5,862,260 patent at Col. 52, lines 61-66: "*Another example of a kind of steganographic use of the technology is **the embedding of universal use codes** for the benefit of a user*

community. The "message" being passed could be simply a registered serial number **identifying ownership** to users who wish to legitimately use and pay for the empirical information." (emphasis added).

- Still in the context of universal codes, see also the 5,862,260 patent at Col. 26, lines 45-54: "Done properly, this system can **cleanly trace back to the copyright owner** so long as they registered their photographic paper stock serial number with some registry or with the manufacturer of the paper itself. That is, we look up in the registry that a paper using universal embedded codes 4,7,11,12,15,19,21,26,27,28,34,35,37,3840 and 48, and having the embedded code 0110 0101 0111 0100 **belongs to Leonardo de Boticelli**, an unknown wildlife photographer and glacier cinematographer whose address is in Northern Canada." (emphasis added).

- See also the 5,862,260 patent at Col. 4, line 31-35: "The N-bit identification word refers to a **unique identification binary value**, typically having N range anywhere from 8 to 128, which is the identification code ultimately placed onto the original signal via the disclosed transformation process." (emphasis added). The '260 patent teaches that such N-bit identification words can be uniquely assigned to individuals and owners. See, e.g., the Batch Encoding example and its related examples, stating at Col. 4, lines 25.

- See also the 5,862,260 patent at Col. 12, lines 12-17: "The first area to be discussed involves the pre-application or pre-exposing of a serial number onto traditional photographic products, such as negative film, print paper, transparencies, etc. In general, this is a way to embed **a priori unique serial numbers (and by implication, ownership and tracking information) into** photographic material."

These and other examples from the '419 application teach adding "owner ID data" to media such as music and video, which is the type of data that the final Office Action relied on for a "title signal" from the Tone patent.

Priority to the '419 application is thus warranted under the final Office Action's own interpretation. We ask that the final rejection of claim 25 be removed since the application should be afforded priority to at least May 1996.

> *Additional support for a "title signal" is found in the '419 application – further bolstering the position that priority to the '419 application is appropriate.*

We respectfully submit that the term "title signal" should not be limited to "owner ID data". A title signal can be otherwise related to the music or video in which it is embedded. Thus, the '419 application (now the 5,862,260 patent) provides additional support in this context:

- For example, *see, e.g.*, the 5,862,260 patent at Col. 94, lines 28-38: *"Television signals, images on the internet, and other content sources (audio, image, video, etc.)* ***can have data indicating their "appropriateness" (i.e. their rating for sex, violence, suitability for children, etc.) actually embedded in the content itself*** *rather than externally associated therewith. Television receivers, internet surfing software, etc., can discern such appropriateness ratings (e.g. by use of universal code decoding) and can take appropriate action (e.g. not permitting viewing of an image or video, or play-back of an audio source)."* (*emphasis added*).

- See also, e.g., the 5,862,260 patent at Col. 27, lines 25-52 (discussing a home, TV based system to evaluate universal codes such as copyright data).

The '419 Application provides 35 U.S.C. § 112 support for Claim 25

While the above discussion addresses the only apparent concern in the final Office Action, by providing support for the term "title signal," additional support from the '419 priority application for claim 25 is provided below. The support draws primarily from two embodiments in the '419 application, which build and borrow from previous embodiments in the application.

The first embodiment includes comparing a universal code or N-bit identification code carried in audio (e.g., music) with a code (or "a daily password") that is stored in or available

from a user's computer for access by an application. *See* the '260 patent at Col. 41, line 55 –

Col. 42, line 27. The "action" performed based upon a comparison of the universal code and the

daily password, in this example, includes thwarting piracy or restricting access.

   The second embodiment includes comparing data ("appropriateness" indicators)

embedded in television signals, images on the internet, and other content sources (audio, image,

video, etc.) with data associated with parental controls. The action performed based upon a

comparison of the embedded data and the parental controls, in this example, includes limiting

access to the television signals, images on the internet, and other content sources (audio, image,

video, etc.). See, e.g., the '260 patent at Col. 92, lines 4 – 20 and Col. 94, lines 28-47.

   A support chart is provided below.

Claim 25	US Patent No. 5,862,260
25. A method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising:	See, e.g., Col. 27, lines 26-52; Col. 94, lines 28-38; and Col. 41, lines 54 - Col. 42, line 27.
providing the digital data having the title signal;	E.g., audio or video including a "universal code". The universal code may include, e.g., an identifier (e.g., Col. 41, lines 54- Col. 42, line 27), instructions (e.g., Col. 41, lines 54-Col. 42, line 27), flags (see, e.g., Col. 92, lines 4 – 20, Col. 94, lines 28-47), etc.
detecting, at the personal computer, the title signal in the data;	E.g., detecting the universal code from the audio or video, e.g., Col. 41, lines 54-Col. 42, line 27. See also, e.g., Col. 94, lines

	28-38.
comparing the title signal to the player signal; and	E.g., applying the daily password to the universal code. See, e.g., Col. 41, lines 54-Col. 42, line 27. See also
performing an action based upon the comparison.	See, e.g., Col. 94, lines 28-38 (and Col. 92, lines 4-20) and Col. 41, lines 54-Col. 42, line 27.

(Of course, the above table and specification discussion are not meant to limit claim scope, as many other examples and implementations will fall within its scope.)

Claim 30

Independent claim 30 recites:

30. *A method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising: providing the computer readable set of instructions having the title signal;*

detecting the title signal in the computer readable set of instructions;

comparing the title signal to the player signal; and

performing an action based upon the comparison.

> *Priority to the '419 application is warranted based on the final Office Action's interpretation of "Title Signal" to mean "owner data".*

As with claim 25 above, claim 30 should be entitled to the priority of the '419 application based on the interpretation of a "title signal" in the final Office Action. The final Office Action's only dispute with such priority is whether there is support for the term "title signal". *See* the final Office Action, page 8, last two sentences of paragraph 32: ("However, [the] specification of the parent case [08/649,419] does not disclose [a] **title signal** in the specification. Therefore,

recitation of [a] universal code and method disclosed in the prior application is insufficient to remove the prior art from record.") (*emphasis added*).

The '419 application provides ample support for a "title signal" since the final Office Action interprets the "title signal" to mean "owner ID data." *See* the final Office Action, page 7, paragraph 27, and page 2, paragraph 4 (citing Tone at Col. 7, lines 7-14). For example, the '419 application teaches adding universal codes and N-bit identification codes to audio (e.g., music data) and video.

We respectfully refer the Board to our related discussion above with respect to claim 25. Analogous arguments supporting priority to the '419 application apply for claim 30 as well.

We ask that the final rejection of claim 30 be removed since priority is warranted to at least May 1996 and, as such, Tone is not a proper reference.

> *Claim 30 does not encompass the "same scope" as claim 1-22 and 24 as alleged in the final Office Action.*

The final Office Action lumps claim 30 in with 23 other claims. *See* the final Office Action, page 7, paragraph 27. In doing so, the final Office Action fails to evaluate features of claim 30.

Recall that claim 30 recites – in combination with other features – *a title signal contained in a computer readable set of instructions*. Despite statements to the contrary, the final Office Action does not address this feature.

Moreover, the combination of Tone and Stefik is not understood to render obvious this feature in its recited combination.

The final rejection of claim 30 should be reversed for this reason as well.

> *The '419 Application provides 35 U.S.C. § 112 support for Claim 30*

While the above discussion addresses the only apparent concern in the final Office Action by providing support for the term "title signal," further support from the '419 priority application

for claim 30 is provided below. The support draws primarily from three embodiments in the '419 application.

The first embodiment includes comparing a universal code or N-bit identification code carried in audio (e.g., music) with a code (or "a daily password") that is stored in or available from a user's computer for access by an application. *See* the '260 patent at Col. 41, line 55 – Col. 42, line 27. The N-bit identification word may actually contain computer readable set of instructions that vary the operations of the universal code system. See Col. 41, lines 55-59. The "action" performed based upon a comparison of the universal code and the daily password, in this example, includes helping thwart piracy or restrict access.

The second embodiment includes comparing data ("appropriateness" indicators) embedded in television signals, images on the internet, and other content sources (audio, image, video, etc.) with data associated with parental controls. The action performed based upon a comparison of the embedded data and the parental controls, in this example, includes limiting access to the television signals, images on the internet, and other content sources (audio, image, video, etc.). See, e.g., the '260 patent at Col. 92, lines 4 – 20 and Col. 94, lines 28-47.

The third embodiment including placing a coding system in home audio and video units such as TVs. *See, e.g.,* Col. 27, lines 25-52. A universal code is carried in TV signals. The universal codes trigger decisions such as disabling or enabling recording capabilities, or incrementing program specific billing meters. *See id.*

A support chart is provided below.

Claim 30	US Patent No. 5,862,260
30. A method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising:	See, e.g., Col. 27, lines 26-52; Col. 94, lines 28-38; and Col. 41, lines 54 - Col. 42, line 27.

providing the computer readable set of instructions having the title signal;	E.g., a universal code may include, e.g., a instructions, identifiers and passwords (e.g., Col. 41, lines 54-Col. 42, line 27) and etc.
detecting the title signal in the computer readable set of instructions;	E.g., detecting the universal code from the audio or video, e.g., Col. 41, lines 54-Col. 42, line 27. See also, e.g., Col. 94, lines 28-38.
comparing the title signal to the player signal; and	E.g., applying the daily password to the universal code and/or interpreting the universal code system according to the instructions. See, e.g., Col. 41, lines 54-Col. 42, line 27. See also Col. 27, lines 25-52.
performing an action based upon the comparison.	See, e.g., Col. 94, lines 28-38, see also Col. 27, lines 26-52, and Col. 41, lines 54-Col. 42, line 27.

(Of course, the above table and specification discussion are not meant to limit claim scope, as many other examples and implementations will fall within its scope.)

Claim 43

Independent claim 43 recites:

43. *A method for utilizing a title signal contained in digital data to be input into a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising:*

providing the digital data having the title signal;

inputting the digital data to the computer readable set of instructions;

detecting the title signal in the digital data;

comparing the title signal to the player signal; and

performing an action based upon the comparison.

> *Priority to the '419 application is warranted based on the final Office Action's interpretation of "Title Signal" to mean "owner data".*

As with claim 25 above, claim 43 should be entitled to the priority of the '419 application based on the interpretation of a "title signal" in the final Office Action. The final Office Action's only dispute with such priority is whether there is support for the term "title signal". *See* the final Office Action, page 8, last two sentences of paragraph 32: ("However, [the] specification of the parent case [08/649,419] does not disclose [a] **title signal** in the specification. Therefore, recitation of [a] universal code and method disclosed in the prior application is insufficient to remove the prior art from record.") (*emphasis added*).

The '419 application provides ample support for a "title signal," particularly since the final Office Action interprets a "title signal" to mean "owner ID data." *See* the final Office Action, page 7, paragraph 27, and page 2, paragraph 4 (citing Tone at Col. 7, lines 7-14). For example, the '419 application teaches adding universal codes and N-bit identification codes to audio (e.g., music data).

We respectfully refer the Board to our discussion on support for a "title signal" in the '419 application, above, with respect to claim 25. Those reasons support priority for claim 43 as well.

We ask that the final rejection of claim 43 be removed since priority is warranted to at least May 1996 and, as such, Tone is not a proper reference.

The '419 Application provides 35 U.S.C. § 112 support for Claim 43.

While we have addressed the only apparent concern in the final Office Action by providing support for the term "title signal", we further provide support from the '419 priority application for the entire claim 43, below. The support draws primarily from three embodiments in the '419 application.

The first embodiment includes comparing a universal code or N-bit identification code carried in audio (e.g., music) with a code (or "a daily password") that is stored in or available from a user's computer for access by an application. *See* the '260 patent at Col. 41, line 55 – Col. 42, line 27. The N-bit identification word may actually contain computer readable set of instructions that vary the operations of the universal code system. See Col. 41, lines 55-59. The "action" performed based upon a comparison of the universal code and the daily password, in this example, includes helping thwart piracy or restrict access.

The second embodiment includes comparing data ("appropriateness" indicators) embedded in television signals, images on the internet, and other content sources (audio, image, video, etc.) with data associated with parental controls. The action performed based upon a comparison of the embedded data and the parental controls, in this example, includes limiting access to the television signals, images on the internet, and other content sources (audio, image, video, etc.). See, e.g., the '260 patent at Col. 92, lines 4 – 20 and Col. 94, lines 28-47.

The third embodiment includes placing a coding system in home audio and video units such as TVs. *See, e.g.,* Col. 27, lines 25-52. A universal code is carried in TV signals. The universal codes trigger decisions such as disabling or enabling recording capabilities, or incrementing program specific billing meters. *See id.*

A support chart is provided below.

Claim 43	US Patent No. 5,862,260
43. A method for utilizing a title signal contained in digital data to be input into a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising:	See, e.g., Col. 27, lines 26-52; Col. 94, lines 28-38; and Col. 41, lines 54 - Col. 42, line 27.
providing the digital data having the title signal;	E.g., audio or video including a "universal code". The universal code may include, e.g., an identifier (e.g., Col. 41, lines 54-Col. 42, line 27), instructions (e.g., Col. 41, lines 54-Col. 42, line 27), flags (see, e.g., Col. 92, lines 4 – 20, Col. 94, lines 28-47), etc. See also Col. 27, lines 26-52.
inputting the digital data to the computer readable set of instructions;	See, e.g., generally Col. 92, lines 4 – 20, Col. 94, lines 28-47. See "internet surfing software" at Col. 94, lines 33-38. See also Col. 41, lines 54-Col. 42, line 27. See also Col. 27, lines 26-52.
detecting the title signal in the digital data:	E.g., detecting the universal code from the audio or video, e.g., Col. 41, lines 54-Col. 42, line 27. See also, e.g., Col. 94, lines 28-38. See also Col. 27, lines 26-52.
comparing the title signal to the player signal; and	E.g., applying the daily password to the universal code. See, e.g., Col. 41, lines 54-Col. 42, line 27. See also Col. 27, lines 25-52 and Col. 94, lines 28-38.

performing an action based upon the comparison.	See, e.g., Col. 94, lines 28-38, see also Col. 27, lines 26-52, and Col. 41, lines 54-Col. 42, line 27. See also Col. 27, lines 26-52.

(Of course, the above table and specification discussion are not meant to limit claim scope, as many other examples and implementations will fall within its scope.)

Claim 1

Independent claim 1 recites:

1. A method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in a player device, the method comprising:

downloading the digital data having the title signal via an Internet connection, wherein the title signal is carried with digital watermarking encoded in the digital data;

transferring the downloaded digital data to the player device;

detecting, at the player device, the title signal in the data;

comparing the title signal to the player signal; and

performing an action based upon the comparison.

> *Priority to the '419 application is warranted based on the final Office Action's interpretation of "Title Signal" to mean "owner data".*

As with claim 25 above, claim 1 should be entitled to the priority of the '419 application based on the interpretation of a "title signal" in the final Office Action. With respect to claims 25, 30 and 43, the final Office Action's dispute with priority is whether there is support for the term "title signal". *See* the final Office Action, page 8, last two sentences of paragraph 32: ("However, [the] specification of the parent case [08/649,419] does not disclose [a] **title signal** in the specification. Therefore, recitation of [a] universal code and method disclosed in the prior application is insufficient to remove the prior art from record.") (*emphasis added*).

The '419 application provides ample support for a "title signal," particularly since the final Office Action interprets a "title signal" to mean "owner ID data." *See* the final Office Action, page 7, paragraph 27, and page 2, paragraph 4 (citing Tone at Col. 7, lines 7-14). For example, the '419 application teaches adding universal codes and N-bit identification codes to audio (e.g., music data).

We respectfully refer the Board to our discussion on support for a "title signal" in the '419 application, above, with respect to claim 25, which support claim 1's priority to the '419 application in an analogous manner.

We ask that the final rejection of claim 1 be removed since priority is warranted to at least May 1996 and, as such, Tone is not a proper reference.

The '419 Application provides 35 U.S.C. § 112 support for Claim 1.

While we have addressed the only apparent concern in the final Office Action by providing support for the term "title signal", we further provide support from the '419 priority application for the entire claim 1, below. The support draws primarily from three embodiments in the '419 application.

The first embodiment includes comparing a universal code or N-bit identification code carried in audio (e.g., music) with a code (or "a daily password") that is stored in or available from a user's computer for access by an application. *See* the '260 patent at Col. 41, line 55 – Col. 42, line 27. The "action" performed based upon a comparison of the universal code and the daily password, in this example, including helping thwart piracy or restrict access.

The second embodiment includes comparing data ("appropriateness" indicators) embedded in television signals, images on the internet, and other content sources (audio, image, video, etc.) with data associated with parental controls. The action performed based upon a comparison of the embedded data and the parental controls, in this example, includes limiting access to the television signals, images on the internet, and other content sources (audio, image, video, etc.). See, e.g., the '260 patent at Col. 92, lines 4 – 20 and Col. 94, lines 28-47.

The third embodiment places a coding system in home audio and video units such as TVs. *See, e.g.*, Col. 27, lines 25-52. A universal code is carried in TV signals. The universal codes trigger decisions such as disabling or enabling recording capabilities, or incrementing program specific billing meters. *See id.*

A support chart is provided below.

Claim 1	US Patent No. 5,862,260
1. A method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in a player device, the method comprising:	See, e.g., Col. 27, lines 26-52; Col. 94, lines 28-38; and Col. 41, lines 54 - Col. 42, line 27.
downloading the digital data having the title signal via an Internet connection, wherein the title signal is carried with digital watermarking encoded in the digital data;	E.g., audio or video including a "universal code". The universal code may include, e.g., an identifier (e.g., Col. 41, lines 54-Col. 42, line 27), instructions (e.g., Col. 41, lines 54-Col. 42, line 27), flags (see, e.g., Col. 92, lines 4 – 20, Col. 94, lines 28-47), etc.
transferring the downloaded digital data to the player device;	See, e.g., generally Col. 92, lines 4 – 20, Col. 94, lines 28-47). See "internet surfing software" at Col. 94, lines 33-38.
detecting, at the player device, the title signal in the data;	E.g., detecting the universal code from the audio or video, e.g., Col. 41, lines 54-Col. 42, line 27. See also, e.g., Col. 94, lines 28-38.
comparing the title signal to the	E.g., applying the daily password to the

| player signal; and | universal code. See, e.g., Col. 41, lines 54- Col. 42, line 27; see also Col. 27, lines 25- 52. |
| performing an action based upon the comparison. | See, e.g., Col. 94, lines 28-38, see also Col. 27, lines 26-52, and Col. 41, lines 54-Col. 42, line 27. |

(Of course, the above table and specification discussion are not meant to limit claim scope, as many other examples and implementations will fall within its scope as well.)

Claim 8

Dependent claim 8 recites:

8. *The method of claim 7, wherein the consequence is informing the user of the winning of a prize.*

Claim 8 should be allowed because the combination of Tone and Stefik does not render obvious its recited combination.

For example, the final Office Action cites Tone at Col. 7, lines 12-14 for these features. *See* the final Office Action, page 4, paragraph 11. But Tone says nothing of informing the user of winning a prize or even that an action can be performed including notifying the user of "business activities." The cited Tone passage states: "[the] controller 30 compares the owner ID data ID1 stored in the ROM 2 with owner ID data ID2 added to the music data. Only when they match, the controller 30 allows the terminal unit 1 to output the music data or to reproduce the music data." There is no discussion of notifying a user of business activities, let alone notifying the user of winning a prize.

The final rejection of claim 8 should be reversed.

<u>Claim 28</u>

Dependent claim 28 recites:

28. The method of claim 27, wherein the consequence is informing the user of the winning of a prize.

The final Office Action apparently relies on its reasoning under claim 8 to reject claim 28. *See* the final Office Action at page 7, paragraph 27 and page 4, paragraph 11.

We ask that the final rejection of claim 28 be reversed for at least reasons that are analogous to those presented above with respect to claim 8.

<u>Claim 33</u>

Dependent claim 33 recites:

33. The method of claim 32, wherein the consequence is informing the user of the winning of a prize.

The final Office Action apparently relies on its reasoning under claim 8 to reject claim 33. See the final Office Action at page 7, paragraph 27 and page 4, paragraph 11.

We ask that the final rejection of claim 33 be reversed for at least reasons that are analogous to those presented above with respect to claim 8.

<u>Claim 46</u>

Dependent claim 46 recites:

46. The method of claim 45, wherein the consequence is informing the user of the winning of a prize.

The final Office Action apparently relies on its reasoning under claim 8 to reject claim 46. See the final Office Action at page 7, paragraph 27 and page 4, paragraph 11.

We ask that the final rejection of claim 46 be reversed for at least reasons that are analogous to those presented above with respect to claim 8.

Claim 41

Dependent claim 41 recites:

41. The method of claim 25, further comprising expiring the player signal after a predetermined time such that it is no longer useful for comparison to the title signal.

The final rejection of Claim 41 should be reversed since the combination of Tone and Stefik does not render obvious its recited combination.

Additionally, the final Office Action fails to even address the features of claim 41. The final Office Action rejects claim 41 based on the same reasons described in rejecting claims 1-22 and 24, since claim 41 "encompasses the same scope as claims 1-22 and 24". *See* the final Office Action, page 7, lines 27.

This is a poorly conceived rejection since the features of claim 41 – including *expiring a player signal after a predetermined time such that it is no longer useful for comparison to the title signal* – is not discussed or recited in any of claims 1-22 and 24.

The final rejection of claim 41 should be reversed.

Claim 42

Dependent claim 42 recites:

42. The method of claim 41, further comprising updating the player signal for comparison to the title signal.

The final rejection of Claim 42 should be reversed since the combination of Tone and Stefik does not render obvious its recited combination.

Additionally, the final Office Action fails to even address the features of claim 42. The final Office Action rejects claim 42 based on the same reasons described in rejecting claims 1-22

and 24, since claim 41 "encompasses the same scope as claims 1-22 and 24". *Please see* the final Office Action, page 7, lines 27.

This is another poorly conceived rejection since the features of claim 42 – including *updating the player signal for comparison to the title signal* – is <u>not</u> discussed or recited in any of claims 1-22 and 24.

The final rejection of claim 42 should be reversed.

<u>Claim 5</u>

Dependent claim 5 recites:

5. The method of claim 4, wherein the digital watermarking contains a copy protection subsignal of a predetermined number of bits, the title signal being a portion of the predetermined number of bits unused by the copy protection subsignal.

The final rejection of Claim 5 should be reversed since the combination of Tone and Stefik does not render obvious its recited combination.

Moreover, the teachings of Stefik are overstated in the Office Action, page 4, paragraph 8. There, the Office Action suggests that the combination recited in claim 5 is disclosed at Stefik's Col. 1, lines 47-54 and Col. 3, lines 31-34.

We respectfully disagree.

For example, while the Col. 1 passage discusses watermarking, it does not mention anything about "copy protection subsignal of a predetermined number of bits, the title signal being a portion of the predetermined number of bits unused by the copy protection subsignal".

And, while the Col. 3 passage discusses a watermark providing rights associated with a copy of a document, it does not specify "copy protection subsignal of a predetermined number of bits, the title signal being a portion of the predetermined number of bits unused by the copy protection subsignal".

Thus, even if combined as suggested (which we do not concede should be done), the proposed combination does not result in the recited combination, nor would it render the

combination obvious.

The final rejection of claim 5 should be reversed.

Claim 13

Dependent claim 13 recites:

13. The method of claim 1, further comprising encoding the title signal in a time varying manner.

The final rejection of Claim 13 should be reversed since the combination of Tone and Stefik does not render obvious its recited combination.

Additionally, we disagree with the analysis of claim 13 provided at page 5 of the final Office Action, paragraph 16. There, Tone at Col. 7, lines 40-47, is relied on to show *encoding a title signal in a time varying manner.* Recall, from the context of claim 1, that the title signal is encoded in the downloaded digital data in a time varying manner.

Indeed, the cited passage says nothing of encoding the title signal in a time varying manner. Surely, one of ordinary skill in the art would not find claim 13's combination obvious in view of the cited Tone passage.

We respectfully ask that the final rejection of claim 13 be reversed.

Claim 19

Dependent claim 19 recites:

19. The method of claim 1, wherein at least one title signal which when compared to the player signal evokes the performance of the action, is chosen to match at least one targeted demographic group.

The final rejection of Claim 19 should be reversed since the combination of Tone and Stefik does not render obvious its recited combination.

The cited Tone passage deals with allowing output or reproduction of music data when owner data ID1 stored in ROM matches owner data ID2, which had been previously added to the music data. *See* the final Office Action, page 6, paragraph 22, *citing* Tone at Col. 7, lines 7-14.

Claim 19 – recites that the performance of action (e.g., in the context Tone, outputting or allowing reproduction of music) is chosen according to a particular demographic group. Tone does not discuss whether the outputting or reproduction is so chosen.

The final rejection of claim 19 should be reversed.

Rejections under U.S.C. 103(a) over the Tone

Claim 49

Independent claim 49 recites:

49. A method for utilizing a title signal contained in digital data and a player signal stored in a player device, the method comprising:

encrypting the title signal using a private key;

detecting, at the player device, the title signal in the data;

decrypting the encrypted title signal using the player signal as the private key;

determining if the result of the act of decryption results in the title signal; and

performing an action based upon the determination.

Claim 49 recites – in combination with other features – *decrypting the encrypted title signal using the player signal as the private key.*

The final Office Action boldly suggests that one of ordinary skill in the art would understand that "comparison/decryption method for authentication is well known and can be interchangeably used based on the designer's choice." *See* the final Office Action, page 8, paragraph 30.

Even assuming that the ordinary artisan is familiar with decryption, there is no evidence that the artisan would use decryption as recited in claim 49. That is, claim 49 recites *decrypting*

the encrypted title signal <u>using the player signal</u> as the private key.

This combination results in a dual-layered security approach. First, the title signal is cryptographically related to the player signal, and, second, it is determined whether the result of the decryption yields the title signal. One way to make such a determination, as discussed in the specification, if a comparison of the title signal with the player signal. Tone does not suggest such a dual-layered approach.

Appellants also disagree with the statement that "cryptographic authentication utilizing *the same parameter would work equally well* in the method disclosed by Tone." See the final Office Action, page 8, last sentence of paragraph 30.

How does the Examiner know that cryptographic techniques will work equally well? And, what is meant by "the same parameter". Such a statement is not supported on the record, nor is understood to help render claim 49 obvious.

We ask that the final rejection of claim 49 be reversed.

<u>Claim 52</u>

Dependent claim 52 recites:

52. The method of claim 51, wherein the consequence is informing the user of the winning of a prize.

The final Office Action apparently relies on its reasoning under claim 8 to reject claim 52. *See* the final Office Action at page 8, paragraph 31 and page 4, paragraph 11.

We ask that the final rejection of claim 46 be reversed for at least reasons that are analogous to those presented above with respect to claim 8.

CONCLUSION AND REQUEST FOR REVERSAL

Appellants respectfully request the Board to reverse the final rejection of the pending claims.

Date: July 21, 2008

 Customer No. 23735

Telephone: 503-469-4685
FAX: 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By: /Steven W. Stewart, Reg. No. 45,133/
        Steven W. Stewart
        Registration No. 45,133

CLAIMS APPENDIX

1. (previously presented): A method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in a player device, the method comprising:

downloading the digital data having the title signal via an Internet connection, wherein the title signal is carried with digital watermarking encoded in the digital data;

transferring the downloaded digital data to the player device;

detecting, at the player device, the title signal in the data;

comparing the title signal to the player signal; and

performing an action based upon the comparison.

2. (original): The method of claim 1, wherein the digital data is streaming audio or video data.

3. (original): The method of claim 1, wherein the player signal is indicative of an attribute of the device, device user, data, or data owner.

4. (previously presented): The method of claim 1 further comprising:

decoding the digital watermarking to obtain the title signal.

5. (previously presented): The method of claim 4, wherein the digital watermarking contains a copy protection subsignal of a predetermined number of bits, the title signal being a portion of the predetermined number of bits unused by the copy protection subsignal.

6. (original): The method of claim 1, wherein the action is performed if the title signal matches the player signal.

7. (original): The method of claim 6, wherein the action is to inform the device user of the match and at least one consequence thereof.

8. (original): The method of claim 7, wherein the consequence is informing the user of the winning of a prize.

9. (original): The method of claim 7, wherein the digital data is digital video data.

10. (original): The method of claim 7, wherein the digital data is digital audio data.

11. (original): The method of claim 7, wherein the action is to inform the device user of the match and of the player signal.

12. (original): The method of claim 3, wherein the player signal is indicative of a device number.

13. (previously presented): The method of claim 1, further comprising encoding the title signal in a time varying manner.

14. (previously presented): The method of claim 3, further comprising inputting the player signal to the player device prior to the act of comparing.

15. (original): The method of claim 6, wherein perfect matching between the title signal and player signal is necessary in order to perform the action.

16. (original): The method of claim 6, wherein imperfect or approximate matching between the title signal and player signal is permitted in order to perform the action.

17. (original): The method of claim 6, wherein the title signal and player signal contain at least two fields, each field comprising a group of bits, wherein matching of fields between the title signal and player signal is permitted in order to perform the action.

18. (original): The method of claim 1, wherein at least one title signal which when compared to the player signal evokes the performance of the action.

19. (original): The method of claim 1, wherein at least one title signal which when compared to the player signal evokes the performance of the action, is chosen to match at least one targeted demographic group.

20. (original): The method of claim 1, wherein the action is performed if the title signal matches the player signal and the action is to inform the device user of the match.

21. (previously provided): The method of claim 1, wherein the player device is a personal computer and the act of transferring comprises storing the downloaded data to a recordable medium readable by the player device.

22. (previously provided): The method of claim 21, wherein the acts of detecting, comparing and performing are performed after the act of storing is completed.

23. (previously provided): The method of claim 21, wherein the acts of detecting, comparing and performing are performed after the downloaded digital data is partially stored such that the title signal is available for use in the method before the act of storing is completed.

24. (previously provided): The method of claim 1, wherein the player device is a personal computer and at least the act of detecting is performed in real time as the digital data is downloaded.

25. (previously provided): A method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising:

providing the digital data having the title signal;

detecting, at the personal computer, the title signal in the data;

comparing the title signal to the player signal; and

performing an action based upon the comparison.

26. (original): The method of claim 25, wherein the action is performed if the title signal matches the player signal.

27. (original): The method of claim 26, wherein the action is to inform the personal computer user of the match and at least one consequence thereof.

28. (original): The method of claim 27, wherein the consequence is informing the user of the winning of a prize.

29. (original): The method of claim 27, wherein the action is to inform the personal computer user of the match and of the player signal.

30. (previously provided): A method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising: providing the computer readable set of instructions having the title signal;

detecting the title signal in the computer readable set of instructions;

comparing the title signal to the player signal; and

performing an action based upon the comparison.

31. (original): The method of claim 30, wherein the action is performed if the title signal matches the player signal.

32. (original): The method of claim 31, wherein the action is to inform the personal computer user of the match and at least one consequence thereof.

33. (original): The method of claim 32, wherein the consequence is informing the user of the winning of a prize.

34. (original): The method of claim 32, wherein the action is to inform the personal computer user of the match and of the player signal.

35. (original): The method of claim 34, wherein the computer readable set of instructions having the title signal contained therein is provided to the personal computer by downloading via an Internet connection.

36. (original): The method of claim 25, wherein the player signal is embedded within the computer readable set of instructions.

37. (previously provided): The method of claim 25, wherein the act of detecting comprises computing the player signal from the information available from the personal computer.

38. (previously provided): The method of claim 25, wherein the act of comparing is performed by a subset of instructions contained within the computer readable set of instructions.

39. (previously provided): The method of claim 25, wherein the computer readable set of instructions represents an application program executable by the personal computer, wherein the personal computer has an operating system for launching the application, and wherein the act of detecting is performed by the operating system.

40. (previously provided): The method of claim 39, wherein the operating system also performs the acts of comparing and performing.

41. (previously provided): The method of claim 25, further comprising expiring the player signal after a predetermined time such that it is no longer useful for comparison to the title signal.

42. (previously provided): The method of claim 41, further comprising updating the player signal for comparison to the title signal.

43. (previously provided): A method for utilizing a title signal contained in digital data to be input into a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computer, the method comprising:

    providing the digital data having the title signal;

    inputting the digital data to the computer readable set of instructions;

    detecting the title signal in the digital data;

    comparing the title signal to the player signal; and

    performing an action based upon the comparison.

44. (original): The method of claim 43, wherein the action is performed if the title signal matches the player signal.

45. (original): The method of claim 44, wherein the action is to inform the personal computer user of the match and at least one consequence thereof.

46. (original): The method of claim 45, wherein the consequence is informing the user of the winning of a prize.

47. (original): The method of claim 43, wherein the action is to inform the personal computer user of the match and of the player signal.

48. (original): The method of claim 43, wherein the computer readable set of instructions is a word processing application program and the digital data is a document read thereby.

49. (previously provided): A method for utilizing a title signal contained in digital data and a player signal stored in a player device, the method comprising:

encrypting the title signal using a private key;

detecting, at the player device, the title signal in the data;

decrypting the encrypted title signal using the player signal as the private key;

determining if the result of the act of decryption results in the title signal; and performing an action based upon the determination.

50. (original): The method of claim 49, wherein the action is performed if the result of the decryption results in the title signal.

51. (original): The method of claim 50, wherein the action is to inform the device user of the determination and at least one consequence thereof.

52. (original): The method of claim 51, wherein the consequence is informing the user of the winning of a prize.

EVIDENCE APPENDIX

(No Evidence)

RELATED PROCEEDINGS APPENDIX

Claims Appealed in U.S. Patent Application No. 11/382,855

1. A content protection method in which a consumer electronic device, equipped with one or more outputs of respective types, governs its operation in accordance with usage control data associated with particular electronic content, the method including receiving a request to perform an operation, and determining – with reference to said usage control data – whether to perform said operation, wherein said determining depends, in part, on the type of output with which said device is equipped.

2. The method of claim 1 wherein the requested operation comprises playback of said particular electronic content, and wherein said determining comprises:

    (a) if the usage control data comprises data of a first character, and the device is equipped with an output of a first type, determining that said requested playback should not be permitted; and

    (b) if the usage control data comprises data of said first character, and the device is not equipped with an output of said first type, determining that said requested playback should be permitted.

3. The method of claim 2 wherein said determining further comprises:

    (c) if the usage control data comprises data of a second character, determining that said requested playback should be permitted, regardless of whether the device is equipped with an output of the first type.

4. The method of claim 2 wherein said output of said first type comprises an output for outputting content in digital format.

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5. The method of claim 2 wherein said output of said first type comprises an output for outputting content in an unencrypted digital format.

6. The method of claim 1 that includes limiting use of said device if the device is equipped with an output of a particular type.

7. The method of claim 1 that includes limiting use of said device if said device is capable of outputting content in digital format.

8. The method of claim 1 in which said device is a consumer electronic video device.

9. The method of claim 1 in which said usage control data is provided to said device via watermark data steganographically encoded in said electronic content.

10. A consumer electronic device that practices the method of claim 1.

11. A content protection method in which a consumer electronic device, equipped with one or more outputs of respective types, governs its operation in accordance with usage control data associated with particular electronic content, the method including receiving a request to perform an operation, and applying said usage control data to determine whether to perform said operation, wherein said applying comprises applying said usage control data in conjunction with the type of output with which said device is equipped, to determine whether to perform said operation.

12. Computer readable storage medium having stored thereon electronic media content, said medium also conveying usage control data corresponding to said content, wherein said usage control data is operative to cause a compliant consumer electronic device to refuse a certain use of said electronic media content if said consumer electronic device is equipped with an output of a predetermined type.

13. The medium of claim 12 wherein said usage control data is operative to cause a compliant consumer electronic device to refuse playback of said electronic media content if said consumer electronic device is equipped with an output that outputs content in digital form.

14. The medium of claim 12 wherein said usage control data is operative to cause a compliant consumer electronic device to refuse playback of said electronic media content if said consumer electronic device is equipped with an output that outputs content in an unencrypted digital format.

15. A consumer electronic device having a content protection arrangement that governs authorized operation of said device in connection with particular electronic content, in accordance with usage control data corresponding to said particular electronic content, the device being equipped with one or more outputs of respective types, wherein said content protection arrangement governs operation of the device based not just on said usage control data, but also on the type of output with which said device is equipped, so that an operation with respect to particular electronic content and usage control data may be authorized on said device, but be unauthorized on a different device, due to difference in the types of outputs with which said devices are equipped.

16. A consumer electronic device having a content protection arrangement that governs authorized operation of said device in connection with particular electronic content, in accordance with usage control data corresponding to said particular electronic content, the device being equipped with one or more outputs of respective types, wherein said content protection arrangement governs operation of the device based not just on said usage control data, but also on the type of output with which said device is equipped, so that an operation with respect to particular electronic content and usage control data may be unauthorized on said device, but be authorized on a different device, due to difference in the types of outputs with which said devices are equipped.

17. The device of claim 16 wherein:

(a) if the usage control data comprises data of a first character, and the device is equipped with an output of a first type, operation of the device is limited; and

(b) if the usage control data comprises data of said first character, and the device is not equipped with an output of said first type, operation of the device is not limited.

18. The device of claim 17 wherein:

(c) if the usage control data comprises data of a second character, operation of the device is not limited regardless of whether the device is equipped with an output of the first type.

19. The device of claim 16 wherein said data indicates to said content protection arrangement that playback of said particular electronic content should be prohibited if the device includes an output of a certain type.

20. The device of claim 16 wherein said data indicates to said content protection arrangement that playback of said particular electronic content should be prohibited if the device includes an output that outputs electronic content in a digital format.